

CERTIFICATION OF ENROLLMENT

SECOND SUBSTITUTE HOUSE BILL 2731

Chapter 231, Laws of 2010

(partial veto)

61st Legislature
2010 Regular Session

VOLUNTARY PRESCHOOL OPPORTUNITIES--AT-RISK CHILDREN

EFFECTIVE DATE: 06/10/10

Passed by the House March 11, 2010
Yeas 70 Nays 27

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 10, 2010
Yeas 33 Nays 15

BRAD OWEN

President of the Senate

Approved March 29, 2010, 2:05 p.m., with
the exception of Section 1 which is
vetoed.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of
the House of Representatives of
the State of Washington, do hereby
certify that the attached is
SECOND SUBSTITUTE HOUSE BILL 2731
as passed by the House of
Representatives and the Senate on
the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 30, 2010

**Secretary of State
State of Washington**

SECOND SUBSTITUTE HOUSE BILL 2731

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Ways & Means (originally sponsored by Representatives Goodman, Haler, Maxwell, Priest, Kagi, Sullivan, Sequist, Quall, O'Brien, Jacks, Haigh, Pedersen, Darneille, Kenney, Rolfes, Hunter, Williams, Orwall, Lias, Carlyle, Roberts, Simpson, Walsh, Nelson, Kelley, Dickerson, Appleton, Eddy, Sells, and Morrell)

READ FIRST TIME 02/09/10.

1 AN ACT Relating to implementing a program of early learning for
2 educationally at-risk children; amending RCW 43.215.020 and 43.215.405;
3 adding new sections to chapter 43.215 RCW; adding a new section to
4 chapter 28A.320 RCW; and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 ****NEW SECTION. Sec. 1. The legislature finds that a critical factor***
7 ***in the eventual successful outcome of a K-12 education is for students***
8 ***to begin school ready, both intellectually and socially, to learn. The***
9 ***legislature also finds that, due to a variety of factors, some young***
10 ***children need supplemental instruction in preschool to assure that they***
11 ***have the opportunity to participate meaningfully and reach the***
12 ***necessary levels of achievement in the regular program of basic***
13 ***education. The legislature further finds that children who participate***
14 ***in high quality preschool programs have improved educational and life***
15 ***outcomes and are more likely to graduate from high school and pursue***
16 ***higher education, experience successful employment opportunities, and***
17 ***have increased earnings. Therefore the legislature intends to create***
18 ***a program of early learning that, when fully implemented, shall be an***
19 ***entitlement program for eligible children.***

1 *The legislature also finds that the state early childhood education*
2 *and assistance program was established to help children from low-income*
3 *families be prepared for kindergarten, and that the program has been a*
4 *successful model for achieving that goal. Therefore, the legislature*
5 *intends that the first phase of implementing the entitlement program of*
6 *early learning shall be accomplished by utilizing the program standards*
7 *and eligibility criteria in the early childhood education and*
8 *assistance program. The legislature also intends that the*
9 *implementation of subsequent phases of the program established by the*
10 *ready for school act of 2010 will be aligned with the implementation of*
11 *the state's all-day kindergarten program in order to maximize the gains*
12 *resulting from investments in the two programs.*

**Sec. 1 was vetoed. See message at end of chapter.*

13 NEW SECTION. **Sec. 2.** DEFINITIONS. The definitions in this
14 section apply throughout this chapter unless the context clearly
15 requires otherwise.

16 (1) "Community-based early learning providers" includes for-profit
17 and nonprofit licensed providers of child care and preschool programs.

18 (2) "Program" means the program of early learning established in
19 section 3 of this act for eligible children who are three and four
20 years of age.

21 NEW SECTION. **Sec. 3.** PROGRAM STANDARDS. (1) Beginning September
22 1, 2011, an early learning program to provide voluntary preschool
23 opportunities for children three and four years of age shall be
24 implemented according to the funding and implementation plan in section
25 4 of this act. The program must be a comprehensive program providing
26 early childhood education and family support, options for parental
27 involvement, and health information, screening, and referral services,
28 as family need is determined. Participation in the program is
29 voluntary. On a space available basis, the program may allow
30 enrollment of children who are not otherwise eligible by assessing a
31 fee.

32 (2) The first phase of the program shall be implemented by
33 utilizing the program standards and eligibility criteria in the early
34 childhood education and assistance program.

35 (3) The director shall adopt rules for the following program

1 components, as appropriate and necessary during the phased
2 implementation of the program:

3 (a) Minimum program standards, including lead teacher, assistant
4 teacher, and staff qualifications;

5 (b) Approval of program providers; and

6 (c) Accountability and adherence to performance standards.

7 (4) The department has administrative responsibility for:

8 (a) Approving and contracting with providers according to rules
9 developed by the director under this section;

10 (b) In partnership with school districts, monitoring program
11 quality and assuring the program is responsive to the needs of eligible
12 children;

13 (c) Assuring that program providers work cooperatively with school
14 districts to coordinate the transition from preschool to kindergarten
15 so that children and their families are well-prepared and supported;
16 and

17 (d) Providing technical assistance to contracted providers.

18 NEW SECTION. **Sec. 4.** FUNDING AND STATEWIDE IMPLEMENTATION. (1)
19 Funding for the program of early learning established under this
20 chapter must be appropriated to the department. Allocations must be
21 made on the basis of eligible children enrolled with eligible
22 providers.

23 (2) The program shall be implemented in phases, so that full
24 implementation is achieved in the 2018-19 school year.

25 (3) For the initial phase of the early learning program in school
26 years 2011-12 and 2012-13, the legislature shall appropriate funding to
27 the department for implementation of the program in an amount not less
28 than the 2009-2011 enacted budget for the early childhood education and
29 assistance program. The appropriation shall be sufficient to fund an
30 equivalent number of slots as funded in the 2009-2011 enacted budget.

31 (4) Beginning in the 2013-14 school year, additional funding for
32 the program must be phased in beginning in school districts providing
33 all-day kindergarten programs under RCW 28A.150.315.

34 (5) Funding shall continue to be phased in incrementally each year
35 until full statewide implementation of the early learning program is
36 achieved in the 2018-19 school year, at which time any eligible child
37 shall be entitled to be enrolled in the program.

1 (6) The department and the office of financial management shall
2 annually review the caseload forecasts for the program and, beginning
3 December 1, 2012, and annually thereafter, report to the governor and
4 the appropriate committees of the legislature with recommendations for
5 phasing in additional funding necessary to achieve statewide
6 implementation in the 2018-19 school year.

7 (7) School districts and approved community-based early learning
8 providers may contract with the department to provide services under
9 the program. The department shall collaborate with school districts,
10 community-based providers, and educational service districts to promote
11 an adequate supply of approved providers.

12 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.320
13 RCW to read as follows:

14 For the program of early learning established in section 3 of this
15 act, school districts:

16 (1) Shall work cooperatively with program providers to coordinate
17 the transition from preschool to kindergarten so that children and
18 their families are well-prepared and supported; and

19 (2) May contract with the department of early learning to deliver
20 services under the program.

21 **Sec. 6.** RCW 43.215.020 and 2007 c 394 s 5 are each amended to read
22 as follows:

23 (1) The department of early learning is created as an executive
24 branch agency. The department is vested with all powers and duties
25 transferred to it under this chapter and such other powers and duties
26 as may be authorized by law.

27 (2) The primary duties of the department are to implement state
28 early learning policy and to coordinate, consolidate, and integrate
29 child care and early learning programs in order to administer programs
30 and funding as efficiently as possible. The department's duties
31 include, but are not limited to, the following:

32 (a) To support both public and private sectors toward a
33 comprehensive and collaborative system of early learning that serves
34 parents, children, and providers and to encourage best practices in
35 child care and early learning programs;

1 (b) To make early learning resources available to parents and
2 caregivers;

3 (c) To carry out activities, including providing clear and easily
4 accessible information about quality and improving the quality of early
5 learning opportunities for young children, in cooperation with the
6 nongovernmental private-public partnership;

7 (d) To administer child care and early learning programs;

8 (e) To standardize internal financial audits, oversight visits,
9 performance benchmarks, and licensing criteria, so that programs can
10 function in an integrated fashion;

11 (f) To support the implementation of the nongovernmental private-
12 public partnership and cooperate with that partnership in pursuing its
13 goals including providing data and support necessary for the successful
14 work of the partnership;

15 (g) To work cooperatively and in coordination with the early
16 learning council;

17 (h) To collaborate with the K-12 school system at the state and
18 local levels to ensure appropriate connections and smooth transitions
19 between early learning and K-12 programs; (~~and~~)

20 (i) To develop and adopt rules for administration of the program of
21 early learning established in section 3 of this act; and

22 (j) Upon the development of an early learning information system,
23 to make available to parents timely inspection and licensing action
24 information through the internet and other means.

25 (3) The department's programs shall be designed in a way that
26 respects and preserves the ability of parents and legal guardians to
27 direct the education, development, and upbringing of their children.
28 The department shall include parents and legal guardians in the
29 development of policies and program decisions affecting their children.

30 **Sec. 7.** RCW 43.215.405 and 2006 c 265 s 210 are each amended to
31 read as follows:

32 Unless the context clearly requires otherwise, the definitions in
33 this section apply throughout RCW 43.215.400 through 43.215.450 and
34 43.215.900 through 43.215.903.

35 (1) "Advisory committee" means the advisory committee under RCW
36 43.215.420.

37 (2) "Department" means the department of early learning.

1 (3) "Eligible child" means a child not eligible for kindergarten
2 whose family income is at or below one hundred ten percent of the
3 federal poverty level, as published annually by the federal department
4 of health and human services, and includes a child whose family is
5 eligible for public assistance, and who is not a participant in a
6 federal or state program providing comprehensive services; a child
7 eligible for special education due to disability under RCW 28A.155.020;
8 and may include children who are eligible under rules adopted by the
9 department if the number of such children equals not more than ten
10 percent of the total enrollment in the early childhood program.
11 Priority for enrollment shall be given to children from families with
12 the lowest income, children in foster care, or to eligible children
13 from families with multiple needs.

14 (4) "Approved programs" means those state-supported education and
15 special assistance programs which are recognized by the department as
16 meeting the minimum program rules adopted by the department to qualify
17 under RCW 43.215.400 through 43.215.450 and 43.215.900 through
18 43.215.903 and are designated as eligible for funding by the department
19 under RCW 43.215.430 and 43.215.440.

20 (5) "Comprehensive" means an assistance program that focuses on the
21 needs of the child and includes education, health, and family support
22 services.

23 (6) "Family support services" means providing opportunities for
24 parents to:

- 25 (a) Actively participate in their child's early childhood program;
26 (b) Increase their knowledge of child development and parenting
27 skills;
28 (c) Further their education and training;
29 (d) Increase their ability to use needed services in the community;
30 (e) Increase their self-reliance.

31 NEW SECTION. Sec. 8. Sections 2 through 4 and 9 of this act are
32 each added to chapter 43.215 RCW.

33 NEW SECTION. Sec. 9. This act may be known as the ready for
34 school act of 2010.

Passed by the House March 11, 2010.

Passed by the Senate March 10, 2010.

Approved by the Governor March 29, 2010, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 30, 2010.

Note: Governor's explanation of partial veto is as follows:

"I am returning herewith, without my approval as to Section 1, Second Substitute House Bill 2731 entitled:

"AN ACT Relating to implementing a program of early learning for educationally at-risk children."

Section 1 indicates the Legislature's intent regarding the future of early learning in our state. The Legislature is undertaking a study of the optimal approach for implementing a voluntary program for early learning in Senate Bill 6759 which I am signing today. I look forward to future legislation implementing the results of that study. Because the language in this section presupposes the outcome of the study called for in Senate Bill 6759, I am vetoing this section.

For this reason, I have vetoed Section 1 of Second Substitute House Bill 2731.

With the exception of Section 1, Second Substitute House Bill 2731 is approved."